

Draft Order laid before the Scottish Parliament under section 45(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

PRISONS

**The Home Detention Curfew Licence (Amendment
of Specified Days) (Scotland) Order 2008**

Made - - - -

Coming into force - - *21st March 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 3AA(6)(c) of the Prisoners and Criminal Proceedings (Scotland) Act 1993⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 45(3) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Home Detention Curfew Licence (Amendment of Specified Days) (Scotland) Order 2008 and comes into force on 21st March 2008.

Amendment of section 3AA(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993

2. In section 3AA(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (period during which prisoners may be considered for release on licence subject to a curfew condition), for “121 days” substitute “166 days”.

St Andrew’s House,
Edinburgh
2008

A member of the Scottish Executive

(1) 1993 c. 9. Section 3AA was inserted by the [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), section 15(5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the period specified in section 3AA(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

That is the period during which the Scottish Ministers may, under section 3AA(1) of that Act, release a prisoner on licence subject to a curfew condition, commonly known as a home detention curfew licence, in terms of sections 12AA and 12AB of that Act.

The period during which a prisoner can be released on such a licence is therefore increased from 135 days (i.e. 121 days plus 14 days) to 180 days (i.e. 166 days plus 14 days) before the date on which a prisoner will have served one half of a sentence.